

PATRICK MCGOVERN, ESQ. (SBN 115981)
270 Redwood Shores Parkway, No. 730
Redwood City, California 94065
Telephone: (650) 274-4085
Facsimile: (650) 212-0081
E-Mail: mcglaw@comcast.net

Attorneys for Defendants/Counter-Claimants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

GOTT BROTHERS DEVELOPMENT,) Case No. CV 09-00807 PJH
LLC, a limited liability company)
Plaintiff,) STIPULATION AND ~~PROPOSED~~
vs.) ORDER EXCUSING PARTIES FROM
) PERSONAL APPEARANCE AT
) SETTLEMENT CONFERENCE
JEAN NICHOLSON and DEAN) Judge: Hon. Phyllis J. Hamilton
NICHOLSON, individually and as Trustees)
of the DEAN AND JEAN T. NICHOLSON) MSC Judge: Hon. Donna M. Ryu
FAMILY TRUST; VIRGINIA TOOGOOD,) Date: January 9, 2012
individually and as the Trustee of the)
VIRGINIA TOOGOOD FAMILY TRUST,) Time: 11:00 a.m.
COMPRISING VIRGINIA T. TOOGOOD)
AND DOES 1-20, INCLUSIVE,)

Defendants.

STIPULATION

Jean and Dean Nicholson and Virginia Toogood, by and through their attorney of record, Patrick McGovern, and Gott Brothers Development, LLC, Joel Gott and Duncan Gott, by and through their attorney of record, James Rose, hereby state and stipulate as follows.

Request having been made in writing by Counsel for Defendants/Counter-Complainants
Dean and Jean Nicholson excusing them from personally appearing at the Settlement
Conference on January 9, 2012, and good cause appearing therefore,

IT IS HEREBY STIPULATED

1. That Defendants/Counter-Complainants Dean and Jean Nicholson are excused from personally appearing at the Settlement Conference on January 9, 2012;

2. That said parties shall be personally represented at the Settlement Conference on that date by their son, Bob Nicholson, who shall have full authority to settle the matter on their behalf;

3. That said parties will be available for consultation by telephone, if necessary, for the duration of the Settlement Conference.

IT IS SO STIPULATED.

Dated: January 5, 2012

THE LAW OFFICES OF JAMES R. ROSE

/s/ James R. Rose

Dated: January 5, 2012

/s/ Patrick McGovern

PATRICK MCGOVERN, Counsel for Defendants
and Cross-Complainants

ORDER

The parties having so stipulated and good cause appearing therefore,

IT IS ORDERED

1. That Defendants/Counter-Complainants Dean and Jean Nicholson are excused from personally appearing at the Settlement Conference on January 9, 2012;

2. That said parties shall be personally represented at the Settlement Conference on that date by their son, Bob Nicholson, who shall have full authority to settle the matter on their behalf;

3. That said parties will be available for consultation by telephone, if necessary, for the duration of the Settlement Conference.

Dated: January, 2012



HONORABLE DONNA M. RYU